



General Assembly

**Substitute Bill No. 6770**

January Session, 2005

\* \_\_\_\_\_HB06770PH\_\_\_\_040405\_\_\_\_\_\*

**AN ACT CONCERNING FOOD ALLERGIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 19a-36 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (a) The Commissioner of Public Health shall establish a Public  
5 Health Code and, from time to time, amend the same. The Public  
6 Health Code may provide for the preservation and improvement of  
7 the public health.

8 (1) Said code may include regulations pertaining to retail food  
9 establishments, including, but not limited to, food service  
10 establishments, catering food service establishments and itinerant food  
11 vending establishments.

12 (2) Drainage and toilet systems to be installed in any house or  
13 building arranged or designed for human habitation, or field  
14 sanitation provided for agricultural workers or migratory farm  
15 laborers, shall conform to minimum requirements prescribed in said  
16 code.

17 (3) Said code may include regulations requiring toilets and  
18 handwashing facilities in large stores, as defined in such regulations,

19 in shopping centers and in places dispensing food or drink for  
20 consumption on the premises, for the use of patrons of such  
21 establishments, except that the provisions of such regulations shall not  
22 apply to such establishments constructed or altered pursuant to plans  
23 and specifications approved or building permits issued prior to  
24 October 1, 1977.

25     (4) The provisions of such regulations [(1)] (A) with respect to the  
26 requirement of employing a qualified food operator and any reporting  
27 requirements relative to such operator, shall not apply to an owner or  
28 operator of a soup kitchen who relies exclusively on services provided  
29 by volunteers, and [(2)] (B) shall not prohibit the sale of food at a  
30 noncommercial function such as an educational, religious, political or  
31 charitable organization's bake sale or pot luck supper provided the  
32 seller maintains such food under the temperature, pH level and water  
33 activity level conditions [which] that will inhibit the rapid and  
34 progressive growth of infectious or toxigenic microorganisms. For the  
35 purposes of this section, a "noncommercial function" means a function  
36 where food is sold by a person not regularly engaged in the business of  
37 selling such food.

38     (5) The provisions of such regulations with respect to qualified food  
39 operators shall require that the contents of the test administered to  
40 qualified food operators include elements testing the qualified food  
41 operator's knowledge of food allergies.

42     (6) Each regulation adopted by the Commissioner of Public Health  
43 shall state the date on which it shall take effect, and a copy [thereof] of  
44 the regulation, signed by the Commissioner of Public Health, shall be  
45 filed in the office of the Secretary of the State and a copy sent by said  
46 commissioner to each director of health, and such regulation shall be  
47 published in such manner as the Commissioner of Public Health may  
48 determine.

49     (7) Any person who violates any provision of the Public Health  
50 Code shall be fined not more than one hundred dollars or imprisoned

51 not more than three months or both.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2005</i>	19a-36(a)
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**PH**      *Joint Favorable Subst.*